

Message Text

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ACTION EUR-12

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FM USMISSION USBERLIN
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INFO AMEMBASSY BERLIN UNN
AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMCONSUL BREMEN
AMEMBASSY DUESSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH
AMCONSUL STUTTGART
USMISSION NATO

UNCLAS USBERLIN 1597

C O R R E C T E D C O P Y (MRN TO READ 1597 VICE 1697)

E O 11652: NA
TAGS: PGOV PINT WB
SUBJ: CHANGE IN BERLIN ELECTION SYSTEM

1. SUMMARY: AFTER LONG AND CAREFUL PRELIMINARY STUDIES
AND STORMY PARLIAMENTARY DEBATE, BERLIN HOUSE OF REPRESENTA-
TIVES ON JUNE 9, 1977 DRASTICALLY CHANGED BERLIN ELECTION
SYSTEM. MONOPOLY OF POLITICAL PARTIES IN NOMINATING
CANDIDATES WAS ABOLISHED AND THE ONE VOTE SYSTEM WAS
REPLACED BY A TWO VOTE SYSTEM, USING THE FRG ELECTION
LAW AS A MODEL. END SUMMARY.

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2. ALL THREE POLITICAL PARTIES--CHRISTIAN DEMOCRATIC
UNION, SOCIAL DEMOCRATIC PARTY AND FREE DEMOCRATIC PARTY--
HAVE AGREED TO CANCEL ARTICLE 26, PARAGRAPH 2 OF
BERLIN CONSTITUTION WHICH PROVIDED THAT CANDIDATES FOR ELECTIONS
TO HOUSE OF REPRESENTATIVES COULD BE NOMATED ONLY BY POLITI-
CAL PARTIES. CHANGE OF CONSTITUTION WAS NECESSARY BECAUSE ON

NOVEMBER 12, 1975, BERLIN ELECTORAL OVERSIGHT COMMISSION HAD DECIDED THAT THIS PROVISION OF CONSTITUTION CONTRADICTED FRG BASIC LAW. AS A CONSEQUENCE OF THAT DECISION, RE-ELECTIONS HAD TO BE HELD IN TWO ZEHLENDORF ELECTION DISTRICTS. IN FUTURE, THEREFORE, NONPARTISAN AND INDEPENDENT CANDIDATES WILL BE ABLE TO RUN FOR SEATS IN BERLIN HOUSE OF REPRESENTATIVES. (THEY ALREADY WERE PERMITTED TO RUN FOR DISTRICT PARLIAMENT SEATS.)

3. OVER VOTES OF CDU MEMBERS, SPD/FDP COALITION ALSO CHANGED ELECTION PROCEDURE. IN FUTURE, EVERY BERLIN SECTION--LIKE EVERY FRG ELECTOR UNDER FEDERAL GERMAN ELECTION LAW--WILL HAVE TWO VOTES. WITH HIS FIRST VOTE, ELECTOR MAY SELECT ONE DISTRICT CANDIDATE FROM HIS ELECTORAL DISTRICT, WITH HIS SECOND VOTE, ELECTOR MAY VOTE FOR LIST OF ONE OF POLITICAL PARTIES REPRESENTED IN ELECTION. SECOND VOTE IS MORE IMPORTANT SINCE IT WILL DECIDE NUMBER OF SEATS EACH PARTY WILL GET IN THE HOUSE OF REPRESENTATIVES. THIS IS BECAUSE SEATS NOT FILLED BY SUCCESSFUL DIRECT CANDIDATES ELECTED BY FIRST VOTES WILL BE FILLED BY LIST CANDIDATES.

4. UNDER THIS NEW SYSTEM, AN ELECTOR MAY SPLIT HIS VOTE BETWEEN A POLITICAL PARTY OR AN INDEPENDENT CANDIDATE ON THE ONE HAND AND LIST OF A DIFFERENT POLITICAL PARTY ON THE OTHER. UNDER THE PREVIOUS ELECTORAL SYSTEM, THERE EXISTED BOTH DIRECT AND LIST CANDIDATES BUT SINCE ELECTOR HAD ONLY ONE VOTE, SPLITTING OF VOTES WAS NO POSSIBLE.

5. UNDER NEW ELECTION LAW, FOREIGNERS RESIDING IN BERLIN WHO DO NOT HAVE VOTING RIGHTS WILL BE DISCOUNTED WHEN ELECTION DISTRICTS ARE FORMED. IN PAST, ALL RESIDENTS, WHETHER VOTERS OR UNCLASSIFIED

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NOT, WERE COUNTED WHICH RESULTED IN OVER-REPRESENTATION FOR DISTRICTS WITH A LARGE PERCENTAGE OF FOREIGN WORKERS.

6. CDU FAVORED NEW METHOD OF FORMING DISTRICTS BUT VIGOROUSLY OPPOSED SPLITTING OF VOTES BECAUSE THAT PARTY FELT IT WOULD BE CONFUSING TO THE VOTERS AND MIGHT ALSO GUARANTEE FREE DEMOCRATS AN OVERLY HEAVY PARLIAMENTARY REPRESENTATION SHOULD SPD ASSIST FDP BY ABSTAINING FROM NOMINATION OF SOCIAL DEMOCRATS AS DIRECT CANDIDATES IN CERTAIN DISTRICTS.

7. IT IS DIFFICULT TO JUDGE EFFECT NEW ELECTION SYSTEM WILL HAVE ON BERLIN POLITICS. PARTY LEADERS AND POLITICAL OBSERVERS GENERALLY HAVE CONFLICTING OPINIONS. UNDOUBTEDLY, HOWEVER, NEW PROCEDURES FOR FORMATION OF ELECTION DISTRICTS WILL RESULT BOTH IN FEWER DISTRICTS AND FEWER REPRESENTATIVES IN BERLIN PARLIAMENT. NUMBER OF ELECTORAL DISTRICTS COULD FALL FROM 80 TO 76 AND MINIMUM NUMBER REPRESENTATIVES COULD BE REDUCED FROM 133 TO 126. DAVIS

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